

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

KIYO A. MATSUMOTO, United States District Judge:

Members of the jury, as I told you earlier, it is your duty to consult with one another, deliberate, and try to reach agreement, if you can do that without violating your conscience, based on the evidence in this case and the law as you were instructed. Each of you must decide the case for yourself, but only after considering and discussing the evidence with your fellow jurors.

Allen Charge
Court Ex. 11

of the weight of the evidence. Your only job is to find the truth from the evidence. You may take all the time you need.

Finally, remember that the parties have invested much time, effort, and money in trying this case. If you cannot agree on a verdict, the case is left open and may have to be retried at some later date. A second trial would be costly to both sides, and there is no reason to believe that this case would be tried again, by either side, better or more exhaustively than it has been tried before you. There is also no reason to believe that the case will ever be submitted to jurors more intelligent, more impartially chosen, or more competent to decide it than you.

These are obvious matters, but they are critical reminders that the task before you is one of conscientious decision, based on the evidence which you are to take.

You are all reasonable, intelligent, and committed citizens of this district. We are all profoundly grateful for your efforts and service in considering the evidence and deciding the issues that are of great importance to the parties in this case.

Please return to the jury room to continue your deliberations using your best judgment.